



Image

1753

AUROBIO.026DV3

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

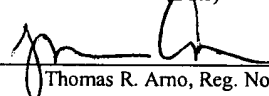
Applicant : Maher, et al.  
App. No. : 09/804,458  
Filed : March 12, 2001  
For : MULTI-WELL PLATE AND  
ELECTRODE ASSEMBLIES FOR  
ION CHANNEL ASSAYS  
Examiner : Olsen, Kaj K.  
Art Unit : 1753

CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

April 21, 2004

(Date)

  
Thomas R. Arno, Reg. No. 40,490

AMENDMENT IN RESPONSE TO THE  
NOTICE OF NON-COMPLIANT AMENDMENT

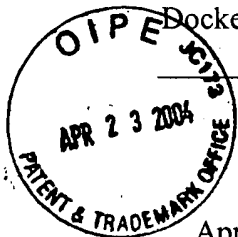
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The Applicants hereby respond to the Notice of Non-Compliant Amendment mailed April 16, 2004 in the above-captioned case.

**Amendments to the Claims** are reflected in the listing of claims which begins on page two (2) of this paper.

**Remarks** begin on page six (6) of this paper.



Docket No.: AUROBIO.026DV3

Customer No.: 20,995

**AMENDMENT / RESPONSE TRANSMITTAL**

Applicant : Maher, et al.  
App. No. : 09/804,458  
Filed : March 12, 2001  
For : MULTI-WELL PLATE AND  
ELECTRODE ASSEMBLIES  
FOR ION CHANNEL ASSAYS  
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April 21, 2004

(Date)

Thomas R. Arno, Reg. No. 40,490

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

(X) Response to Notice of Non-Compliant Amendment in six (6) pages.

The fee has been calculated as shown below:

FEE CALCULATION				
FEE TYPE		FEE CODE	CALCULATION	TOTAL
Total Claims	35 - 35 = 0	1202 (\$18)	0 x 18 =	\$0
Independent Claims	3 - 3 = 0	1201 (\$86)	0 x 86 =	\$0
			<b>TOTAL FEE DUE</b>	<b>\$0</b>

(X) A copy of the Notice of Non-Compliant Amendment.

(X) Return prepaid postcard.

(X) Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 11-1410.

Thomas R. Arno  
Registration No. 40,490  
Attorney of Record  
Customer No. 20,995  
(619) 235-8550



UNITED STATES PATENT AND TRADEMARK OFFICE

09/804458

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
P.O. Box 1450  
ALEXANDRIA, VA 22313-1450  
www.uspto.gov

Paper No.

Notice of Non-Compliant Amendment (37 CFR 1.121)

The amendment document filed on 4/2/04 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121, as amended on June 30, 2003 (see 68 Fed. Reg. 38611, Jun. 30, 2003). In order for the amendment document to be compliant, correction of the following item(s) is required. Only the corrected section of the non-compliant amendment document must be resubmitted (in its entirety), e.g., the entire "Amendments to the claims" section of applicant's amendment document must be re-submitted. 37 CFR 1.121(h).

THE FOLLOWING CHECKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

☐ 1. Amendments to the specification:

- ☐ A. Amended paragraph(s) do not include markings.  
☐ B. New paragraph(s) should not be underlined.  
☐ C. Other \_\_\_\_\_

☐ 2. Abstract:

- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.  
☐ B. Other \_\_\_\_\_

☐ 3. Amendments to the drawings: \_\_\_\_\_

☒ 4. Amendments to the claims:

- ☐ A. A complete listing of all of the claims is not present.  
☐ B. The listing of claims does not include the text of all claims (including withdrawn claims)  
☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified.  
☐ D. The claims of this amendment paper have not been presented in ascending numerical order.  
☒ E. Other: In claims 19-21 presently amended should be currently amended

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP Sec. 714 and the USPTO website at <http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/officeflyer.pdf>.

If the non-compliant amendment is a **PRELIMINARY AMENDMENT**, applicant is given **ONE MONTH** from the mail date of this letter to supply the corrected section which complies with 37 CFR 1.121. Failure to comply with 37 CFR 1.121 will result in non-entry of the preliminary amendment and examination on the merits will commence without consideration of the proposed changes in the preliminary amendment(s). This notice is not an action under 35 U.S.C. 132, and this **ONE MONTH** time limit is not extendable.

If the non-compliant amendment is a reply to a **NON-FINAL OFFICE ACTION** (including a submission for an RCE), and since the amendment appears to be a *bona fide* attempt to be a reply (37 CFR 1.135(c)), applicant is given a **TIME PERIOD** of **ONE MONTH** from the mailing of this notice within which to re-submit the corrected section which complies with 37 CFR 1.121 in order to avoid abandonment. **EXTENSIONS OF THIS TIME PERIOD ARE AVAILABLE UNDER 37 CFR 1.136(a).**

If the amendment is a reply to a **FINAL REJECTION**, this form may be an attachment to an Advisory Action. The period for response to a final rejection continues to run from the date set in the final rejection, and is not affected by the non-compliant status of the amendment.

Veronica Auburn  
Legal Instruments Examiner (LIE)

571-272-0988  
Telephone No.